

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

JUN - 4 2001

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY VA  
DEPUTY CLERK

PHILIP STOTTER, PhD.,  
Plaintiff,

v.

THE UNIVERSITY OF TEXAS AT  
SAN ANTONIO, GUY BAILEY, and  
DAVID JOHNSON  
Defendants.

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CIVIL NO. SA-01-CA-434-OG

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**DEFENDANTS' ORIGINAL ANSWER**

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TO THE HONORABLE JUDGE OF THIS COURT:

NOW COME Defendants University of Texas at San Antonio, Guy Bailey and David Johnson, by and through their attorney of record, John Cornyn, Attorney General of Texas, and the undersigned Assistant Attorney General, and without waiving the right to file other and further pleas, pleadings, exceptions, denials and answers, files this its Original Answer to Plaintiff's Original Petition. The Defendants respectfully show the Court the following:

The following comports numerically to Plaintiff's Original Petition and Application for Temporary Restraining Order and Temporary Injunction.

**I.**

Listing of the parties, no need to admit or deny.

**II.**

Defendants admit venue.

**III.**

No need to admit or deny as this case is no longer in state court.

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IV.

Defendants deny that state court has jurisdiction over this case.

V.

1. Defendants admit this paragraph.
2. Defendants admit this paragraph.
3. Defendants do not have sufficient information to admit or deny this paragraph.
4. Defendants do not have sufficient information to admit or deny this paragraph.
5. Defendants do not have sufficient information to admit or deny this paragraph.
6. Defendants do not have sufficient information to admit or deny this paragraph.
7. Defendants do not have sufficient information to admit or deny this paragraph.
8. Defendants do not have sufficient information to admit or deny this paragraph.
9. Defendants admit the first sentence. Defendants do not have sufficient information to admit or deny the remainder of the paragraph.
10. Defendants do not have sufficient information to admit or deny this paragraph.
11. Defendants do not have sufficient information to admit or deny this paragraph.
12. Defendants do not have sufficient information to admit or deny this paragraph.
13. Defendants do not have sufficient information to admit or deny the first sentence.  
Defendants do not have sufficient information to admit or deny the second sentence.
14. Defendants do not have sufficient information to admit or deny this paragraph.
15. Defendants do not have sufficient information to admit or deny this paragraph.
16. Defendants do not have sufficient information to admit or deny this paragraph.
17. Defendants do not have sufficient information to admit or deny this paragraph.
18. Defendants do not have sufficient information to admit or deny this paragraph.

19. Defendants do not have sufficient information to admit or deny this paragraph.
20. Defendants do not have sufficient information to admit or deny this paragraph.
21. Defendants do not have sufficient information to admit or deny this paragraph.
22. Defendants do not have sufficient information to admit or deny this paragraph.
23. Admit Plaintiff was suspended with pay, Defendants do not have sufficient information to admit or deny the remainder of the paragraph.
24. Defendants do not have sufficient information to admit or deny this paragraph.
25. Defendants do not have sufficient information to admit or deny this paragraph.
26. Defendants do not have sufficient information to admit or deny this paragraph.
27. Defendants admit this paragraph.
28. Defendants do not have sufficient information to admit or deny this paragraph.
29. Defendants do not have sufficient information to admit or deny this paragraph.
30. Defendants do not have sufficient information to admit or deny this paragraph.
31. Defendants do not have sufficient information to admit or deny this paragraph.
32. Defendants do not have sufficient information to admit or deny this paragraph.
33. Defendants do not have sufficient information to admit or deny this paragraph.
34. Defendants do not have sufficient information to admit or deny this paragraph.
35. Defendants do not have sufficient information to admit or deny this paragraph.
36. Defendants do not have sufficient information to admit or deny this paragraph.
37. Plaintiff is neither justly or legally entitled to recover any of the relief for which he prays at law or in equity.

**AFFIRMATIVE DEFENSES**

1. The individual Defendants assert the affirmative defense of qualified immunity to all federal claims asserted against them in their individual capacity.
2. The individual Defendants assert the defense of official immunity as to all state law claims asserted against them in their individual capacity.
3. The individual Defendants assert the defense of Eleventh Amendment immunity as to all state law claims asserted against them.
4. The institutional Defendant (UTSA) and the individual Defendants in their official capacity assert the defense of sovereign immunity as to Plaintiffs claims.
5. Defendants assert that the controversy alleged is not ripe for review by this court.
6. Defendants assert Plaintiff has failed to mitigate his damages.
7. Defendants assert the right to raise additional defenses that become apparent throughout the factual development of the case.

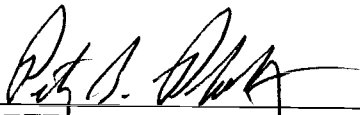
Respectfully submitted,

JOHN CORNYN  
Attorney General of Texas

HOWARD G. BALDWIN, JR.  
First Assistant Attorney General

JEFFREY S. BOYD  
Deputy Attorney General for Litigation

TONI HUNTER  
Chief, General Litigation Division

  
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PETER B. PLOTTS III  
Texas Bar No. 16074100

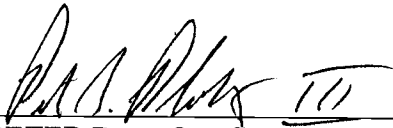
Assistant Attorney General  
General Litigation Division  
P.O. Box 12548, Capitol Station  
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(512) 463-2120  
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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been sent via U.S.  
Certified Mail, Return-Receipt Requested on June 04, 2001, to:

Regina B. Criswell  
Lincoln Center  
7800 I-H 10 West, Suite 635  
San Antonio, Texas 78230

  
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PETER B. PLOTTS III  
Assistant Attorney General